

---

HOUSE BILL 3183

---

State of Washington                      60th Legislature                      2008 Regular Session

By Representatives McDonald, Flannigan, and Dunn

Read first time 01/23/08. Referred to Committee on Transportation.

1            AN ACT Relating to exempting park maintenance equipment operated by  
2 certain local jurisdictions from vehicle license and license plate  
3 requirements; amending RCW 46.16.010; and adding a new section to  
4 chapter 46.04 RCW.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6            NEW SECTION.    **Sec. 1.** A new section is added to chapter 46.04 RCW  
7 to read as follows:

8            "Park maintenance equipment" means motorized equipment operated by  
9 a city, county, or park and recreational district during daylight hours  
10 on city streets or county roads and used exclusively for the conduct of  
11 performing park maintenance activities and not primarily for the  
12 purpose of transportation.

13            **Sec. 2.** RCW 46.16.010 and 2007 c 242 s 2 are each amended to read  
14 as follows:

15            (1) It is unlawful for a person to operate any vehicle over and  
16 along a public highway of this state without first having obtained and  
17 having in full force and effect a current and proper vehicle license

1 and display vehicle license number plates therefor as by this chapter  
2 provided.

3 (2) Failure to make initial registration before operation on the  
4 highways of this state is a traffic infraction, and any person  
5 committing this infraction shall pay a penalty of five hundred twenty-  
6 nine dollars, no part of which may be suspended or deferred.

7 (3) Failure to renew an expired registration before operation on  
8 the highways of this state is a traffic infraction.

9 (4) The licensing of a vehicle in another state by a resident of  
10 this state, as defined in RCW 46.16.028, evading the payment of any tax  
11 or license fee imposed in connection with registration, is a gross  
12 misdemeanor punishable as follows:

13 (a) For a first offense, up to one year in the county jail and  
14 payment of a fine of five hundred twenty-nine dollars plus twice the  
15 amount of delinquent taxes and fees, no part of which may be suspended  
16 or deferred;

17 (b) For a second or subsequent offense, up to one year in the  
18 county jail and payment of a fine of five hundred twenty-nine dollars  
19 plus four times the amount of delinquent taxes and fees, no part of  
20 which may be suspended or deferred;

21 (c) For fines levied under (b) of this subsection, an amount equal  
22 to the avoided taxes and fees owed will be deposited in the vehicle  
23 licensing fraud account created in the state treasury;

24 (d) The avoided taxes and fees shall be deposited and distributed  
25 in the same manner as if the taxes and fees were properly paid in a  
26 timely fashion.

27 (5) These provisions shall not apply to the following vehicles:

28 (a) Motorized foot scooters;

29 (b) Electric-assisted bicycles;

30 (c) Off-road vehicles operating on nonhighway roads under RCW  
31 46.09.115;

32 (d) Farm vehicles if operated within a radius of fifteen miles of  
33 the farm where principally used or garaged, farm tractors and farm  
34 implements including trailers designed as cook or bunk houses used  
35 exclusively for animal herding temporarily operating or drawn upon the  
36 public highways, and trailers used exclusively to transport farm  
37 implements from one farm to another during the daylight hours or at  
38 night when such equipment has lights that comply with the law;

1 (e) Spray or fertilizer applicator rigs designed and used  
2 exclusively for spraying or fertilization in the conduct of  
3 agricultural operations and not primarily for the purpose of  
4 transportation, and nurse rigs or equipment auxiliary to the use of and  
5 designed or modified for the fueling, repairing, or loading of spray  
6 and fertilizer applicator rigs and not used, designed, or modified  
7 primarily for the purpose of transportation;

8 (f) Fork lifts operated during daylight hours on public highways  
9 adjacent to and within five hundred feet of the warehouses which they  
10 serve: PROVIDED FURTHER, That these provisions shall not apply to  
11 vehicles used by the state parks and recreation commission exclusively  
12 for park maintenance and operations upon public highways within state  
13 parks;

14 (g) "Trams" used for transporting persons to and from facilities  
15 related to the horse racing industry as regulated in chapter 67.16 RCW,  
16 as long as the public right-of-way routes over which the trams operate  
17 are not more than one mile from end to end, the public rights-of-way  
18 over which the tram operates have an average daily traffic of not more  
19 than 15,000 vehicles per day, and the activity is in conformity with  
20 federal law. The operator must be a licensed driver and at least  
21 eighteen years old. For the purposes of this section, "tram" also  
22 means a vehicle, or combination of vehicles linked together with a  
23 single mode of propulsion, used to transport persons from one location  
24 to another;

25 (h) "Special highway construction equipment" defined as follows:  
26 Any vehicle which is designed and used primarily for grading of  
27 highways, paving of highways, earth moving, and other construction work  
28 on highways and which is not designed or used primarily for the  
29 transportation of persons or property on a public highway and which is  
30 only incidentally operated or moved over the highway. It includes, but  
31 is not limited to, road construction and maintenance machinery so  
32 designed and used such as portable air compressors, air drills, asphalt  
33 spreaders, bituminous mixers, bucket loaders, track laying tractors,  
34 ditchers, leveling graders, finishing machines, motor graders, paving  
35 mixers, road rollers, scarifiers, earth moving scrapers and carryalls,  
36 lighting plants, welders, pumps, power shovels and draglines, self-  
37 propelled and tractor-drawn earth moving equipment and machinery,  
38 including dump trucks and tractor-dump trailer combinations which

1 either (i) are in excess of the legal width, or (ii) which, because of  
2 their length, height, or unladen weight, may not be moved on a public  
3 highway without the permit specified in RCW 46.44.090 and which are not  
4 operated laden except within the boundaries of the project limits as  
5 defined by the contract, and other similar types of construction  
6 equipment, or (iii) which are driven or moved upon a public highway  
7 only for the purpose of crossing such highway from one property to  
8 another, provided such movement does not exceed five hundred feet and  
9 the vehicle is equipped with wheels or pads which will not damage the  
10 roadway surface.

11 Exclusions:

12 "Special highway construction equipment" does not include any of  
13 the following:

14 Dump trucks originally designed to comply with the legal size and  
15 weight provisions of this code notwithstanding any subsequent  
16 modification which would require a permit, as specified in RCW  
17 46.44.090, to operate such vehicles on a public highway, including  
18 trailers, truck-mounted transit mixers, cranes and shovels, or other  
19 vehicles designed for the transportation of persons or property to  
20 which machinery has been attached;

21 (i) Park maintenance equipment.

22 (6) The following vehicles, whether operated solo or in  
23 combination, are exempt from license registration and displaying  
24 license plates as required by this chapter:

25 (a) A converter gear used to convert a semitrailer into a trailer  
26 or a two-axle truck or tractor into a three or more axle truck or  
27 tractor or used in any other manner to increase the number of axles of  
28 a vehicle. Converter gear includes an auxiliary axle, booster axle,  
29 dolly, and jeep axle.

30 (b) A tow dolly that is used for towing a motor vehicle behind  
31 another motor vehicle. The front or rear wheels of the towed vehicle  
32 are secured to and rest on the tow dolly that is attached to the towing  
33 vehicle by a tow bar.

34 (c) An off-road vehicle operated on a street, road, or highway as  
35 authorized under RCW 46.09.180.

36 (7)(a) A motor vehicle subject to initial or renewal registration  
37 under this section shall not be registered to a natural person unless  
38 the person at time of application:

1 (i) Presents an unexpired Washington state driver's license; or  
2 (ii) Certifies that he or she is:  
3 (A) A Washington resident who does not operate a motor vehicle on  
4 public roads; or  
5 (B) Exempt from the requirement to obtain a Washington state  
6 driver's license under RCW 46.20.025.  
7 (b) For shared or joint ownership, the department will set up  
8 procedures to verify that all owners meet the requirements of this  
9 subsection.  
10 (c) A person falsifying residency is guilty of a gross misdemeanor  
11 punishable only by a fine of five hundred twenty-nine dollars.  
12 (d) The department may adopt rules necessary to implement this  
13 subsection, including rules under which a natural person applying for  
14 registration may be exempt from the requirements of this subsection  
15 where the person provides evidence satisfactory to the department that  
16 he or she has a valid and compelling reason for not being able to meet  
17 the requirements of this subsection.  
18 (8) A vehicle with an expired registration of more than forty-five  
19 days parked on a public street may be impounded by a police officer  
20 under RCW 46.55.113(2).

--- END ---